

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY AUGUST 21, 2006

AMENDED IN ASSEMBLY AUGUST 9, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE APRIL 17, 2006

**SENATE BILL**

**No. 1661**

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**Introduced by Senator Cox**

February 24, 2006

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An act to amend Section 130060 of, and to add ~~Sections 130061, 130062, and 130062.5~~ *Section 130061* to, the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1661, as amended, Cox. Health facilities: seismic safety: construction.

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973.

Existing law requires, after January 1, 2008, any general acute care hospital building that is determined to pose a potential risk of collapse or pose a significant risk of loss of life to be used only for nonacute care hospital purposes. Existing law authorizes the Office of Statewide Health Planning and Development to extend the January 1, 2008, deadline for certain hospital buildings of a general acute care hospital, if specified conditions are met.

This bill would authorize the office to grant an additional extension of up to 2 years, of the January 1, 2013, deadline if the hospital building subject to the extension meets prescribed requirements, including that it is under construction at the time of the request for this extension, and that the hospital has made reasonable progress in meeting the deadline, but for reasons beyond its control it is impossible for it to meet the deadline. The bill would authorize the office to revoke this extension for abandonment or suspension of construction as specified, unless the hospital can demonstrate that the abandonment or suspension was caused by a condition beyond the hospitals' hospital's control.

The bill would also require an owner of a general acute care hospital *who either has or has not submitted an extension request pursuant to the bill to submit*, under specified circumstances, ~~to submit~~ prescribed reports to the office, ~~would require the office to report to the Legislature by May 1, 2007, and would require the office to make these reports, as well as specified information, available on its Web site.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 130060 of the Health and Safety Code
- 2 is amended to read:
- 3 130060. (a) (1) After January 1, 2008, any general acute
- 4 care hospital building that is determined to be a potential risk of
- 5 collapse or pose significant loss of life shall only be used for
- 6 nonacute care hospital purposes. A delay in this deadline may be
- 7 granted by the office upon a demonstration by the owner that
- 8 compliance will result in a loss of health care capacity that may
- 9 not be provided by other general acute care hospitals within a
- 10 reasonable proximity. In its request for an extension of the
- 11 deadline, a hospital shall state why the hospital is unable to
- 12 comply with the January 1, 2008, deadline requirement.
- 13 (2) Prior to granting an extension of the January 1, 2008,
- 14 deadline pursuant to this section, the office shall do all of the
- 15 following:
- 16 (A) Provide public notice of a hospital's request for an
- 17 extension of the deadline. The notice, at a minimum, shall be

1 posted on the office's Internet Web site, and shall include the  
2 facility's name and identification number, the status of the  
3 request, and the beginning and ending dates of the comment  
4 period, and shall advise the public of the opportunity to submit  
5 public comments pursuant to subparagraph (C). The office shall  
6 also provide notice of all requests for the deadline extension  
7 directly to interested parties upon request of the interested  
8 parties.

9 (B) Provide copies of extension requests to interested parties  
10 within 10 working days to allow interested parties to review and  
11 provide comment within the 45-day comment period. The copies  
12 shall include those records that are available to the public  
13 pursuant to the Public Records Act, Chapter 3.5 (commencing  
14 with Section 6250) of Division 7 of Title 1 of the Government  
15 Code.

16 (C) Allow the public to submit written comments on the  
17 extension proposal for a period of not less than 45 days from the  
18 date of the public notice.

19 (b) (1) It is the intent of the Legislature, in enacting this  
20 subdivision, to facilitate the process of having more hospital  
21 buildings in substantial compliance with this chapter and to take  
22 nonconforming general acute care hospital inpatient buildings out  
23 of service more quickly.

24 (2) The functional contiguous grouping of hospital buildings  
25 of a general acute care hospital, each of which provides, as the  
26 primary source, one or more of the hospital's eight basic services  
27 as specified in subdivision (a) of Section 1250, may receive a  
28 five-year extension of the January 1, 2008, deadline specified in  
29 subdivision (a) of this section pursuant to this subdivision for  
30 both structural and nonstructural requirements. A functional  
31 contiguous grouping refers to buildings containing one or more  
32 basic hospital services that are either attached or connected in a  
33 way that is acceptable to the State Department of Health  
34 Services. These buildings may be either on the existing site or a  
35 new site.

36 (3) To receive the five-year extension, a single building  
37 containing all of the basic services or at least one building within  
38 the contiguous grouping of hospital buildings shall have obtained  
39 a building permit prior to 1973 and this building shall be  
40 evaluated and classified as a nonconforming, Structural

1 Performance Category-1 (SPC-1) building. The classification  
2 shall be submitted to and accepted by the Office of Statewide  
3 Health Planning and Development. The identified hospital  
4 building shall be exempt from the requirement in subdivision (a)  
5 until January 1, 2013, if the hospital agrees that the basic service  
6 or services that were provided in that building shall be provided,  
7 on or before January 1, 2013, as follows:

8 (A) Moved into an existing conforming Structural  
9 Performance Category-3 (SPC-3), Structural Performance  
10 Category-4 (SPC-4), or Structural Performance Category-5  
11 (SPC-5) and Non-Structural Performance Category-4 (NPC-4) or  
12 Non-Structural Performance Category-5 (NPC-5) building.

13 (B) Relocated to a newly built compliant SPC-5 and NPC-4 or  
14 NPC-5 building.

15 (C) Continued in the building if the building is retrofitted to a  
16 SPC-5 and NPC-4 or NPC-5 building.

17 (4) A five-year extension is also provided to a post 1973  
18 building if the hospital owner informs the Office of Statewide  
19 Health Planning and Development that the building is classified  
20 as a SPC-1, SPC-3, or SPC-4 and will be closed to general acute  
21 care inpatient service use by January 1, 2013. The basic services  
22 in the building shall be relocated into a SPC-5 and NPC-4 or  
23 NPC-5 building by January 1, 2013.

24 (5) Any SPC-1 buildings, other than the building identified in  
25 paragraph (3) or (4), in the contiguous grouping of hospital  
26 buildings shall also be exempt from the requirement in  
27 subdivision (a) until January 1, 2013. However, on or before  
28 January 1, 2013, at a minimum, each of these buildings shall be  
29 retrofitted to a SPC-2 and NPC-3 building, or no longer be used  
30 for general acute care hospital inpatient services.

31 (c) On or before March 1, 2001, the office shall establish a  
32 schedule of interim work progress deadlines that hospitals shall  
33 be required to meet to be eligible for the extension specified in  
34 subdivision (b). To receive this extension, the hospital building  
35 or buildings shall meet the year 2002 nonstructural requirements.

36 ~~(d) (1) Notwithstanding subdivision (b), a hospital that has~~  
37 ~~received an extension of the January 1, 2008, deadline pursuant~~  
38 ~~to subdivisions (a) and (b) may request an additional extension of~~  
39 ~~up to two years for a hospital building that it owns or operates.~~

1     ~~(2) The office may grant the additional extension if the~~  
2     ~~hospital building subject to the extension meets all of the~~  
3     ~~following criteria:~~

4     ~~(A) The hospital building is under construction at the time of~~  
5     ~~the request for extension under this subdivision and the purpose~~  
6     ~~of the construction is to meet the requirements of subdivision (a)~~  
7     ~~to allow the use of the building as a general acute care hospital~~  
8     ~~building after the date granted by the office pursuant to~~  
9     ~~subdivision (a) or (b):~~

10    ~~(B) The hospital building plans were submitted to the office~~  
11    ~~and were deemed ready for review by the office at least four~~  
12    ~~years prior to the applicable deadline for the building. The~~  
13    ~~hospital shall indicate, upon submission of its plans, the SPC-1~~  
14    ~~building or buildings that will be retrofitted or replaced to meet~~  
15    ~~the requirements of this section as a result of the project.~~

16    ~~(C) The hospital received a building permit for the~~  
17    ~~construction described in subparagraph (A) at least two years~~  
18    ~~prior to the applicable deadline for the building.~~

19    ~~(D) The hospital submitted a construction timeline at least two~~  
20    ~~years prior to the applicable deadline for the building~~  
21    ~~demonstrating the hospital's intent to meet the applicable~~  
22    ~~deadline. The timeline shall include all of the following:~~

23    ~~(i) The projected construction start date.~~

24    ~~(ii) The projected construction completion date.~~

25    ~~(iii) Identification of the contractor.~~

26    ~~(E) The hospital is making reasonable progress toward~~  
27    ~~meeting the timeline set forth in subparagraph (D), but factors~~  
28    ~~beyond the hospital's control make it impossible for the hospital~~  
29    ~~to meet the deadline.~~

30    ~~(3) A hospital denied an extension pursuant to this subdivision~~  
31    ~~may appeal the denial to the Hospital Building Safety Board.~~

32    ~~(4) The office may revoke an extension granted pursuant to~~  
33    ~~this subdivision for any hospital building where the work of~~  
34    ~~construction is abandoned or suspended for a period of at least~~  
35    ~~one year, unless the hospital demonstrates in a public document~~  
36    ~~that the abandonment or suspension was caused by factors~~  
37    ~~beyond its control, such as adverse weather, earthquake, a flood,~~  
38    ~~or other conditions not caused by the hospital.~~

39    ~~(e)~~

(d) A hospital building that is eligible for an extension pursuant to this section shall meet the January 1, 2030, nonstructural and structural deadline requirements if the building is to be used for general acute care inpatient services after January 1, 2030.

(f)

(e) Upon compliance with ~~this section~~ subdivision (b), the hospital shall be issued a written notice of compliance by the office. The office shall send a written notice of violation to hospital owners that fail to comply with this section. *The office shall make copies of these notices available on its Web site.*

(f) (1) *A hospital that has received an extension of the January 1, 2008, deadline pursuant to subdivisions (a) or (b) may request an additional extension of up to two years for a hospital building that it owns or operates.*

(2) *The office may grant the additional extension if the hospital building subject to the extension meets all of the following criteria:*

(A) *The hospital building is under construction at the time of the request for extension under this subdivision and the purpose of the construction is to meet the requirements of subdivision (a) to allow the use of the building as a general acute care hospital building after the extension deadline granted by the office pursuant to subdivision (a) or (b).*

(B) *The hospital building plans were submitted to the office and were deemed ready for review by the office at least four years prior to the applicable deadline for the building. The hospital shall indicate, upon submission of its plans, the SPC-1 building or buildings that will be retrofitted or replaced to meet the requirements of this section as a result of the project.*

(C) *The hospital received a building permit for the construction described in subparagraph (A) at least two years prior to the applicable deadline for the building.*

(D) *The hospital submitted a construction timeline at least two years prior to the applicable deadline for the building demonstrating the hospital's intent to meet the applicable deadline. The timeline shall include all of the following:*

(i) *The projected construction start date.*

(ii) *The projected construction completion date.*

(iii) *Identification of the contractor.*

1 (E) The hospital is making reasonable progress toward  
2 meeting the timeline set forth in subparagraph (D), but factors  
3 beyond the hospital's control make it impossible for the hospital  
4 to meet the deadline.

5 (3) A hospital denied an extension pursuant to this subdivision  
6 may appeal the denial to the Hospital Building Safety Board.

7 (4) The office may revoke an extension granted pursuant to  
8 this subdivision for any hospital building where the work of  
9 construction is abandoned or suspended for a period of at least  
10 one year, unless the hospital demonstrates in a public document  
11 that the abandonment or suspension was caused by factors  
12 beyond its control.

13 SEC. 2. Section 130061 is added to the Health and Safety  
14 Code, to read:

15 130061. (a) An owner of a general acute care hospital  
16 building that is ~~determined to be a potential risk of collapse or~~  
17 ~~pose significant risk of loss of life after January 1, 2008~~  
18 *classified as a nonconforming Structural Performance*  
19 *Category-1 (SPC-1) building*, who has not requested an  
20 extension of the deadline described in subdivision (a) or (b) of  
21 Section 130060, shall submit a report to the office no later than  
22 ~~February~~ April 15, 2007, ~~describing its progress~~ *the status of*  
23 *each building* in complying with the requirements of Section  
24 130060. The report shall identify at least all of the following:

25 (1) Each building that is subject to subdivision (a) of Section  
26 130060.

27 ~~(2) The progress made in planning for and undertaking the~~  
28 ~~construction necessary to bring the building into compliance with~~  
29 ~~subdivision (a) of Section 130060, including whether the hospital~~  
30 ~~has obtained financing, zoning changes, or taken other publicly~~  
31 ~~known actions that would indicate an intent to comply with that~~  
32 ~~subdivision.~~

33 ~~(3) A construction timeline, including the projected~~  
34 ~~construction start date and the projected construction completion~~  
35 ~~date.~~

36 ~~(4) The contractor.~~

37 ~~(b) The office shall make this information available on its Web~~  
38 ~~site upon receipt of this information.~~

~~(e) The office shall provide a report to the Legislature by May 1, 2007, summarizing the information provided by hospitals to the office pursuant to this section.~~

*(2) The project number or numbers for retrofit or replacement of each building.*

*(3) The projected construction start date or dates and projected construction completion date or dates.*

*(4) The building or buildings to be removed from acute care service and the projected date or dates of this action.*

*(b) An owner of a general acute care hospital building that is classified as a nonconforming, Structural Performance Category-1 (SPC-1) building, who has requested an extension of the deadline described in subdivision (a) or (b) of Section 130060, shall submit a report to the office no later than June 30, 2009, describing the status of each building in complying with the requirements of Section 130060. The report shall identify, at a minimum, all of the following:*

*(1) Each building that is subject to subdivision (a) of Section 130060.*

*(2) The project number or numbers for retrofit or replacement of each building.*

*(3) The projected construction start date or dates and projected construction completion date or dates.*

*(4) The building or buildings to be removed from acute care service and the projected date or dates of that action.*

*(c) An owner of a general acute care hospital building that is classified as a nonconforming, Structural Performance Category-1 (SPC-1) building, who has requested an extension of the deadline described in subdivision (a) or (b) of Section 130060, shall submit a report to the office no later than June 30, 2011, describing the status of each building in complying with the requirements of Section 130060. The report shall identify at least all of the following:*

*(1) Each building that is subject to subdivision (a) of Section 130060.*

*(2) The project number or numbers for retrofit or replacement of each building.*

*(3) The projected construction start date or dates and projected construction completion date or dates.*



1     (4) *The building or buildings to be removed from acute care*  
2     *service and the projected date or dates of that action.*

3     (d) *The office shall make the information required by*  
4     *subdivisions (a), (b), and (c) available on its Web site within 90*  
5     *days of receipt of this information.*

6     (e) *Hospitals that have not reported pursuant to this section*  
7     *are not eligible for the extension provided in subdivision (f) of*  
8     *Section 130060.*

9     ~~SEC. 3. Section 130062 is added to the Health and Safety~~  
10    ~~Code, to read:~~

11    ~~130062. (a) By June 30, 2007, the owner of a general acute~~  
12    ~~care hospital subject to subdivision (a) of Section 130060 shall~~  
13    ~~report to the office the status of each building required by the~~  
14    ~~office to comply with that subdivision. The report shall include~~  
15    ~~the following information for each building required to meet~~  
16    ~~subdivision (a) of Section 130060:~~

17    ~~(1) Whether a project plan deemed ready for review has been~~  
18    ~~submitted to the office to fully mitigate the structural~~  
19    ~~requirements determined through regulation to meet the~~  
20    ~~requirements of Section 130060.~~

21    ~~(2) Whether a project plan deemed ready for review has been~~  
22    ~~submitted to the office to fully mitigate the nonstructural~~  
23    ~~requirements determined through regulation to meet the~~  
24    ~~requirements of Section 130060.~~

25    ~~(3) Whether a building permit has been issued by the office to~~  
26    ~~fully mitigate the structural requirements determined through~~  
27    ~~regulations to meet the requirements of Section 130060.~~

28    ~~(4) Whether a building permit has been issued by the office to~~  
29    ~~fully mitigate the nonstructural requirements determined through~~  
30    ~~regulations to meet the requirements of Section 130060.~~

31    ~~(5) Whether the building fully meets the requirements of~~  
32    ~~Section 130060.~~

33    ~~(b) The office shall publish all reports submitted pursuant to~~  
34    ~~this section on its Web site by November 1, 2007.~~

35    ~~(c) Hospitals reporting under Section 130061 are exempt from~~  
36    ~~the reporting requirement of this section.~~

37    ~~(d) Hospitals that have not reported pursuant to this section are~~  
38    ~~not eligible for the extension provided in subdivision (d) of~~  
39    ~~Section 130060.~~

1     ~~SEC. 4. Section 130062.5 is added to the Health and Safety~~  
2     ~~Code, to read:~~

3     ~~130062.5. (a) The office shall publish all of the following on~~  
4     ~~its Web site by June 30, 2009:~~

5     ~~(1) A list of hospital buildings required to meet the provisions~~  
6     ~~of Section 130060.~~

7     ~~(2) A list of hospitals that have submitted building plans~~  
8     ~~pursuant to paragraph (2) of subdivision (d) of Section 130060.~~  
9     ~~The office shall indicate if the building plan submitted will fully~~  
10    ~~mitigate the seismic requirements pursuant to Section 130060 for~~  
11    ~~each SPC-1 building.~~

12    ~~(3) A list of hospitals that have received a building permit for~~  
13    ~~construction to mitigate the hospital's requirements pursuant to~~  
14    ~~Section 130060.~~

15    ~~(4) A list of hospitals that have met the requirements of~~  
16    ~~Section 130060.~~

17    ~~(b) The office shall update the information required to be~~  
18    ~~published by subdivision (a), by June 30, 2011.~~